

REMARKS

This amendment is filed in response to the Office action mailed May 21, 2003, in which claims 1, 3, 4 and 6 of claims 1-6 are rejected. With this amendment, claim 1 is amended to more distinctly claim the invention, and no other claims are changed, and so claims 1-6 remain in the application.

Rejections under 35 USC §102

At paragraph 1 of the Office action, claims 1, 3, 4 and 6 are rejected under 35 USC §102 as being anticipated by Baumoel (U.S. Pat. No. 5,453,944).

To reject claims 1 and 4 of the application, which are the only independent claims of the application, the Office action asserts that Baumoel teaches "providing a trial value for each of either the component flow rates or the phase fractions," citing col. 5, lines 34-53. The applicant has carefully reviewed the cited passage, as well as the rest of Baumoel, and is convinced that the examiner is interpreting the term "component" used in the claims to indicate the portion of a fluid occupying a section of a conduit, as opposed to how the term "component" is used in the application, which is made clear for example at page 1, line 18, where it is noted that the components of a fluid in a typical application include gas, oil, and water. In contrast, the cited passage refers to measuring the flow of a fluid in different sections of a pipeline, not measuring the flow of different components of a fluid in a pipeline. There is simply no teaching or suggestion whatsoever anywhere in Baumoel of determining "component" flow rates for multiphase flow, to which the invention as recited in claim 1 is directed. Thus, there is simply no teaching or suggestion of providing a trial value for each of either the component flow rates or the phase fractions, as recited in claim 1.

The same argument applies for each other assertion in the Office action that Baumoel teaches a measurement or calculation with respect to a particular component in a multiphase flow, such as the assertion by the Office action that Baumoel teaches "using a predetermined model to calculate values for the measured mixture quantities based on ... trial values for each of either the component flow rates or the phase fractions," for which the Office action cites col. 5-6, lines 54-33. There is simply no teaching or suggestion in Baumoel of calculating values for different components or phase fractions of a multiphase flow, but instead only a teaching of measuring the temperature (or other characteristics) of a fluid in different sections of a pipeline.

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 of claims 1 and 4, and of all other claims so rejected (i.e. claims 3 and 6), be reconsidered and withdrawn.


Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

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